

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF IDAHO**

<b>IN RE</b>	)	
	)	
<b>RONALD S. HOCKETT &amp;</b>	)	<b>Case No. 04-00856-TLM</b>
<b>LINDA M. HOCKETT,</b>	)	
	)	
<b>Debtors.</b>	)	<b>SUMMARY ORDER DENYING</b>
	)	<b>MOTION WITHOUT</b>
	)	<b>PREJUDICE</b>
_____	)	

On February 22, 2005, Debtors filed a motion against creditor Collection Bureau, Inc. (“Creditor”) seeking to avoid Creditor’s judgment lien under § 522(f). *See* Doc. No. 8. The Court denied that motion without prejudice on March 10, 2005. *See* Doc. No. 9. Debtors thereafter filed an amended motion against Creditor. *See* Doc. No. 14. Debtors also filed a certificate of service, Doc. No. 17, indicating the amended motion was served on Creditor at:

Collection Bureau, Inc.  
P.O. Box 1219  
Nampa, ID 83653-1219

As this Court noted in its previous Order, Doc. No. 9, the service requirements of Fed. R. Bankr. P. 7004 apply to motions to avoid judicial liens under § 522(f). Debtors’ service on Creditor did not comply with Fed. R. Bankr. P. 7004(b)(3) as it was not addressed to the attention of “an officer, a managing or general agent, or . . . any other

agent authorized by appointment or by law to receive service of process.” Fed. R. Bankr. P. 7004(b)(3).

In the absence of proper service, the Court lacks the ability to grant the relief sought.

Based on the foregoing, the amended motion, Doc. No. 14, shall be and hereby is DENIED without prejudice.

DATED: May 5, 2005



A handwritten signature in black ink, appearing to read "Terry L. Myers".

TERRY L. MYERS  
CHIEF U. S. BANKRUPTCY JUDGE

CERTIFICATE RE: SERVICE

A “notice of entry” of this Decision, Order and/or Judgment has been served on Registered Participants as reflected by the Notice of Electronic Filing. A copy of the Decision, Order and/or Judgment has also been provided to non-registered participants by first class mail addressed to:

Ronald S. Hockett  
Lydia M. Hockett  
5831 Brian Way  
Boise, ID 83716

Case No. 04-00856 (Ronald S. Hockett)

Dated: May 5, 2005

/s/ Jo Ann B. Canderan  
Judicial Assistant to Chief Judge Myers